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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 7, 2001

COMMONWEALTH OF VIRGINIA, ex. rel.

STATE CORPORATION COMMISSION

CASE NO. PUE000740

Ex Parte: In the matter
concerning a draft plan
for phase-in of retail
electric competition

ORDER SCHEDULING ORAL ARGUMENT

On December 21, 2000, the Commission issued an Order ("the December 21 Order") in this matter prescribing notice and inviting comments concerning the Commission Staff's report and draft plan ("the draft plan") for the transition to full retail choice for electric generation. The Commission's development and adoption of such a plan is expressly required by the Virginia Electric Utility Restructuring Act.¹ The December 21 Order invited comment on the draft plan by interested parties, such comments to be filed with the Clerk of this Commission on or before February 15, 2001. The Order also provided interested parties an opportunity to request a hearing or oral argument on the draft plan.

The following parties filed comments on or before February 15, 2001: the Virginia Committee for Fair Utility Rates and the Old Dominion Committee for Fair Utility Rates ("the Committees"), filing jointly; the New Power Company; Washington Gas Energy Services, Inc.; Kentucky Utilities Company

¹ § 56-577 A 2 a.

d/b/a/ Old Dominion Power Company; Virginia Electric and Power Company ("Virginia Power"); Potomac Edison Company d/b/a Allegheny Power; Appalachian Power Company, d/b/a American Electric Power Company; Ladd Furniture, Inc.; Henkel-Harris Co.; Webb Furniture Enterprises, Inc.; Delmarva Power and Light Company; Office of the Attorney General, Division of Consumer Counsel; the Virginia, Maryland & Delaware Association of Electric Cooperatives, and its Virginia member cooperatives ("the Cooperatives"); Northern Virginia Electric Cooperative; and AES New Energy, Inc. Virginia Power requested oral argument on the issues presented by the draft plan, while the Cooperatives requested an evidentiary hearing.

On February 26, 2001, the Staff of the Commission filed a Supplemental Staff Report on the Schedule for Transition to Retail Access ("draft plan supplement"), making several key modifications to such plan. According to the Staff, the modifications responded to information and recommendations contained in comments filed by interested parties in response to the draft plan.

Thereupon, the Commission, by Order dated February 26, 2001, requested further responses from interested parties concerning the draft plan supplement. This order established a March 5, 2001, filing deadline for such responses. Pursuant to that Order, further responses were timely filed by the Committees, Virginia Power and the Cooperatives.

NOW THE COMMISSION, upon consideration of the Commission Staff's draft plan and draft plan supplement, and upon further consideration of the interested parties' comments thereon and further responses thereto, together with Virginia Power's request for oral argument on the issues presented therein, is of the opinion that oral argument should be scheduled in this matter.

The Commission notes that while the Cooperatives' initial comments requested an evidentiary hearing, their further response indicates that they no longer require an evidentiary hearing in this matter in

light of the Staff's recommendations in the draft plan supplement.² However, the withdrawal of that request was made contingent upon the Commission's inclination to follow the Staff's recommendations concerning the Cooperatives' phase-in schedule. Since such a contingent request for evidentiary hearing is inherently problematic,³ we will hold it in abeyance pending oral argument in this matter. Accordingly,

IT IS ORDERED THAT:

(1) Oral argument on this matter is hereby scheduled for March 20, 2001, commencing at 10:00 a.m. in the Commission's Second Floor Courtroom, Tyler Building, 1300 East Main Street, Richmond, Virginia.

(2) This matter is continued for further orders of the Commission.

² The Commission Staff has modified its earlier recommendation that the Cooperatives complete their phase-in of retail competition for electric generation services by January 1, 2003. The draft plan supplement filed by the Staff now recommends that the Cooperatives be given until January 1, 2004 to complete the phase-in within their respective service territories.

³ The Commission cannot prejudge the likely outcome of this proceeding as part of its determination of whether the Cooperatives should be provided an evidentiary hearing.